

Application No.:10/743,241
Amendment dated: August 31, 2004
Reply to Office Action of July 1, 2004

RD-28,640-5


REMARKS/ARGUMENTS

In the Office Action dated July 1, 2004 the Examiner held that that claims 1-37 were in conflict with claims 1-37 of Application No. 10/000913, under 37 CFR 1.78(b). The Examiner invoked a statutory type (35 U.S.C. 101) double patenting rejection of claims 1-37 of the instant application and required Applicants to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications.

The Applicants respectfully point out that only claims 22, 23, 36, and 37 are currently pending in the instant application, and that these same claims are not now pending in the parent Application Serial No. 10/000913. Claims 1-21, and 24-35 were previously canceled as per the communication (Preliminary Amendment) sent to the Office together with this Divisional Application on December 22, 2003. Further, in the Division/Continuation Application Transmittal Form, dated December 21, 2003, the Applicants canceled original claims 1-21 and 24-35 of the original application. The double-patenting rejection is therefore improper since there is no overlap in the claim sets of the two cases.

In view of the foregoing, Applicants respectfully request reconsideration and prompt allowance of claims 22, 23, 36, and 37. Should the Examiner believe that anything further is needed to place the application in even better condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number below.

Respectfully submitted,


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